



**APPLICATION TO
INCREASE RESIDENTIAL OCCUPANCY
FROM THREE TO FOUR UNRELATED PERSONS**

Owner _____

Agent _____

Owner Address _____

Agent Address _____

Owner Phone _____

Agent Phone _____

Owner Cell Phone _____

Agent Cell Phone _____

Owner Email _____

Agent Email _____

Proposed Occupancy Date _____

I hereby certify that all of the information herein provided and submitted herewith is true and correct. I further understand as evidenced by my signature that I have read the terms and conditions as stated below, and understand that issuance and continuation of the certificate of occupancy for the duration of the four year period authorized therein is conditioned upon continued compliance with all of the terms and conditions as stated below and in Section 21-619 of the Zoning Ordinance of the City of Williamsburg.

Owner Signature _____

Date _____

Agent Signature _____

Date _____

Rental Property Address _____

Zoning District _____

Rental Inspection District _____

Application: ☐ Approved ☐ Denied

Conditional Permit Approved: _____

Date _____

Zoning Administrator _____

Date _____

Comments: _____

Submittal Requirements

- ☐ Floor plan showing the location, name, dimensions and floor area of all rooms.
- ☐ A plot plan showing the location of the house, the location of on- and off-site parking, the lot coverage of the driveways and parking areas, and the location of trash and recycling containers.

Qualification Requirements

- ☐ The house is the only dwelling unit on the lot.
- ☐ The house is located in a rental inspection district.
- ☐ The house has a floor area of at least 2,000 square feet (excluding garages, unfinished basements, or other unfinished areas).
- ☐ Four parking spaces are provided (on-street spaces need to be 8' by 18', and off-street spaces need to be 9' by 18').
- ☐ Trash and recycling containers are enclosed by a fence or wall.
- ☐ The requirements of the Virginia Uniform Statewide Property Maintenance Code and the City's Rental Inspection Program have been met.

Conditional Certificate of Occupancy Requirements

When all of the submittal and qualification requirements have been met, the Zoning Administrator will issue a conditional certificate of occupancy. This gives the owner or agent permission to lease the property to four unrelated persons. This conditional certificate will expire in 30 days from the proposed occupancy date in the application. This may be extended for 30 days upon good cause shown and after a written request by the owner.

Final Certificate of Occupancy Requirements (required prior to occupancy by fourth person)

- ☐ Copy of the written lease for the four occupants containing the names and the telephone numbers for each of the occupants (only occupants that are signatories to the lease can live in the house). If the occupants change during the duration of the lease, or if a new lease or sublease is signed, the owner shall provide the Zoning Administrator with a copy of the updated lease or sublease, and the name and telephone number of the new occupant(s). The fourth unrelated person cannot occupy the dwelling prior to a new lease or sublease and occupant information being provided to the zoning administrator. The owner may redact from the lease or sublease the yearly and monthly rental amount prior to submitting the lease to the Zoning Administrator.
 - ☐ An affidavit stating that the pamphlet outlining the requirements of this section has been given to each of the occupants, and the date(s) that this was done.
 - ☐ Completed form signed by all occupants acknowledging that they have read, understand and agree to comply with the requirements of the program.
 - ☐ The house has been inspected by the Zoning Administrator.
 - ☐ The duration of the certificate of occupancy shall not exceed four years, and shall expire on May 31 of the fourth year. Renewal shall require the issuance of a new certificate of occupancy.
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Revocation of Certificate of Occupancy

If at any time the dwelling does not meet the requirements of the applicable regulations, or the owner, agent or occupants of the property fail to fully comply with the provisions of this section, the certificate of occupancy shall be revoked and the normal occupancy limit of three persons shall be enforced. Any owner or agent, whose certificate under this section has been revoked under this paragraph, shall not be eligible to receive a new certificate for that dwelling for a period of four calendar years. A certificate may be applied for after the four year period of time, or, an application may be submitted by the owner or agent for that dwelling prior to that four year period of time if the property has been sold by the previous owner to a third party purchaser in an arms length transaction. The four year period will continue if such sale was made to a legal entity of which the previous owner or agent has any ownership stake or made to a close family member of the previous owner or agent.

OTHER REQUIREMENTS

Subleases

All subleases must be in writing. The sublease must clearly state the name and telephone number of the vacating tenant, the name and telephone number of the new tenant, and must contain the starting and ending date of the sublease. The owner or tenant shall provide a copy of the sublease to the Zoning Administrator prior to the effective date of the sublease.

Annual Inspections

The house shall be inspected by the Zoning Administrator annually. The Zoning Administrator shall arrange to inspect the property with the owner and/or occupants.

Complaints

- Repeated, founded complaints of excessive noise, litter, or other violations of the City Code, violations of the Virginia Uniform Statewide Building Code or the Virginia Statewide Fire Prevention Code, or other behaviors constituting a nuisance under the city code and Code of Virginia, shall be cause for the revocation of the certificate of occupancy. A complaint is founded when, after an investigation by the police, fire marshal, building inspector, zoning administrator, or other appropriate member of city staff, it is determined that it is more probable than not that the violation has occurred.
- If the Zoning Administrator receives a complaint that more than four occupants are residing at the dwelling, and after investigation the Zoning Administrator deems the complaint to have been made in good faith and with reasonable cause, the Zoning Administrator shall provide notice to the occupants of the property that an inspection of the property has been scheduled, and provide the time wherein the property shall be inspected. Posting of the notice on the front door of the property by the Zoning Administrator shall constitute sufficient notice. The Zoning Administrator will make reasonable efforts to contact the owner and provide the owner with the notice that the property will be inspected. However, failure of the owner to receive notice that the property is scheduled for an inspection shall not cause the inspection to be postponed or cancelled. The occupants of the property shall permit the inspection of every room of the dwelling for the sole purpose of determining the number of people residing at the property. No inspection shall be conducted by the Zoning Administrator with less than 24 hours notice to the occupants that such an inspection has been scheduled.